



MANAGEMENT OF OUTSTANDING WARRANTS

**From The Office Of State Auditor
Claire McCaskill**

Matching state databases with the Highway Patrol database will assist in apprehending felons.

Report No. 2001-63
August 16, 2001
www.auditor.state.mo.us

PERFORMANCE AUDIT



Office of
Missouri State Auditor
Claire McCaskill

August 2001

www.auditor.state.mo.us

More felons could be arrested with data matches between the Highway Patrol and various state databases

Missouri ranks in the top ten states for the total number of outstanding felony and non-felony warrants, according to federal authorities. This audit reviewed how well various state law enforcement agencies manage the state's approximately 728,000 outstanding warrants and determined system improvements to arrest more felons.

Federal escapee found with data match

Audit staff ran persons with warrants in the Highway Patrol system against at least 10 different state databases, including childcare vendors, school teachers and public assistance recipients. Auditors found 15,761 felony warrants that matched among the data. These matches often produced different addresses for the defendant, including a new location for a federal escapee. Authorities arrested the escapee a day after auditors provided the new information to law enforcement. (See page 5)

Data tests noted illegal benefits payments to defendants

State officials paid \$672,640 in food stamps and temporary assistance to 802 persons with outstanding warrants, which violates federal law. This figure represents individuals receiving benefits as of October 2000. The Department of Social Services and the Highway Patrol are now setting up routine matches to share information on fugitive felons and public assistance recipients. (See page 6)

Revenue remains uncollected with outstanding warrants

More than \$76 million could be collected from court costs, fees and fines if authorities served and adjudicated all current outstanding warrants. Of the \$76 million, \$14 million could go to the state and \$61 million could go to city and county officials. (See page 12)

Limited resources leave warrants unpursued

Outstanding warrants are not kept in one accessible, centralized system, but are housed in three main systems run by Kansas City police, St. Louis police and the State Highway Patrol. The three entities charge local law enforcement agencies usage fees to access warrant data. In addition, the information on these systems is not always accurate or valid. Development of an accessible statewide system could reduce outstanding warrants and increase revenues. (See page 12)

YELLOW SHEET

MANAGEMENT OF OUTSTANDING WARRANTS

TABLE OF CONTENTS

	<u>Page</u>
STATE AUDITOR’S REPORT	1
RESULTS AND RECOMMENDATIONS.....	3
1. The State Can Assist in Apprehending Felons by Matching Benefits and Licensure Databases with Law Enforcement Databases	3
Conclusions.....	7
Recommendations.....	8
2. Improvements Are Needed in the Management of Outstanding Warrants.....	11
Conclusions.....	14
Recommendations.....	14
3. Innovative Practices and Incentives Could Reduce Warrants	16
Conclusions.....	18
Recommendations.....	19
 APPENDIXES	
I. OBJECTIVE, SCOPE AND METHODOLOGY	20
II. DEFINITION OF TERMS	22
III. STATE AND FEDERAL BENEFITS PAID TO INDIVIDUALS WITH WARRANTS	23



CLAIRE C. McCASKILL
Missouri State Auditor

Honorable Bob Holden, Governor
and
Members of the General Assembly
and
Charles R. Jackson, Director Department of Public Safety
and
Colonel Roger Stottlemire, Superintendent Missouri State Highway Patrol
and
Kathy Martin, Director Department of Social Services
Jefferson City, Missouri

The State Auditor's Office has audited the state's criminal warrant system. The audit was initiated because of concerns over the management of a high volume of outstanding warrants. The purpose of the audit was to determine whether improvements are needed in the management of outstanding warrants. Specific objectives included determining whether (1) the use of state databases could be effective in increasing apprehensions of felons and reducing benefits paid to felons; (2) law enforcement officials have ready access to information on outstanding warrants and whether that information is valid and accurate; and (3) there are impediments to pursuing individuals with outstanding warrants.

We concluded that:

- Increased use of state agency databases for matches against law enforcement databases could assist authorities in capturing suspected felons and reducing federal benefits paid by the state by \$672,640. Since August 1996, Federal law requires termination of federal benefits for people with felony warrants. In addition to federal benefits, approximately \$35,227 in state-funded benefits has been paid to individuals with outstanding felony warrants, however, the state does not prohibit this practice.
- Improvements are also needed in accessing warrant information so that law enforcement officials have timely information. Development of a statewide system that allows law enforcement officers access to all information on individuals with outstanding warrants, and that contains accurate information, would enable officers to better identify and apprehend felony and other serious offenders. This could also reduce the number of outstanding warrants and increase the revenue of local and county authorities.

- Law enforcement officials face impediments to reduce the number of outstanding warrants including the lack of resources, unwillingness to extradite individuals, and lack of coordination between law enforcement officials. Encouraging law enforcement officials to use innovative approaches and establishing warrant fees on a statewide basis would help reduce the number of outstanding warrants and provide millions in new revenue to local and county officials to use for law enforcement or related purposes.

The audit was made in accordance with applicable standards contained in *Government Auditing Standards* issued by the Comptroller General of the United States and included such tests of the procedures and records as were considered appropriate under the circumstances.



Claire McCaskill
State Auditor

March 30, 2001 (fieldwork completion)

The following auditors participated in the preparation of this report:

Director of Audits:	William D. Miller, CIA
Audit Manager:	John Birdno, CPA, CIA
In-Charge Auditor:	Gary Boehmer, CPA
Audit Staff:	Sarah Graff
	Liang Xu
	Hassan Abdallah

RESULTS AND RECOMMENDATIONS

1. The State Can Assist in Apprehending Felons by Matching Benefits and Licensure Databases with Law Enforcement Databases

Individuals with outstanding felony warrants could be identified and captured by matching state databases for benefits and licensure to the Highway Patrol database. Audit tests showed that over one-third of the 15,671 felony warrants matched from the Highway Patrol database as of January 19, 2001, have addresses for benefit payments that are different from the addresses on the warrants. With benefit matches, the state could assist law enforcement authorities in capturing suspected felons and eliminate benefits payments to ineligible recipients who we estimated received \$672,640 in ineligible benefits between August 1996 and October 2000.

Procedures for issuing and serving warrants

Municipal and state court officials issue warrants to apprehend persons for

- committing crimes,
- failing to appear in a court, and
- fleeing prosecution.

Department of Corrections and Division of Probation and Parole officials also issue warrants when the probationer or parolee violates the conditions of probation and parole or when a prisoner escapes.

Warrants are generally issued by court officials and given to law enforcement personnel to enter into databases although there are several municipal, associate and circuit courts that do not use law enforcement personnel to enter warrants. The law enforcement agency is given the responsibility of locating the person and bringing that person to court. Law enforcement agencies use the database systems where warrants are entered to retrieve information about whether a person has an outstanding warrant, has a current driver's license along with any traffic violations, or is on probation or parole from the Department of Corrections. According to the National Crime Information Center, Missouri ranks in the top ten states for the total number of outstanding warrants (felony and non-felony).

There are three major warrant database systems in the state of Missouri:

- Missouri Uniform Law Enforcement System, (Highway Patrol database), which is owned and operated by the Missouri State Highway Patrol in Jefferson City.
- Automated Law Enforcement Response Team, (Kansas City database), which is owned and operated by the Kansas City Police Department.
- Regional Enforcement Jurisdiction Information System, (St. Louis database), which is owned and operated by the Regional Enforcement Jurisdiction Information Services in St. Louis.

The Highway Patrol database, which has been maintained for over 20 years, is the central location in the state for all felony warrants and other warrants that law enforcement officials want to provide to the state. As of January 2001, the Highway Patrol database showed 214,684 outstanding warrants of which 28,302 (13.2 %) were felony warrants. (See *Appendix II, page 22, for definition of terms.*) Warrants designated as extraditable, those cases in which the cities or counties are willing to extradite a person from another state, are marked as such and sent on to the National Crime Information Center, which is operated by the Federal Bureau of Investigation. Local ordinance violation warrants may or may not go through the Highway Patrol database depending on the municipality and the agency that enters the warrants. Local warrants that do not go through the Highway Patrol's database usually stay within a city's jurisdiction and information on the outstanding warrants are maintained by local officials and may be shared with other municipalities such as St. Louis or Kansas City. Municipalities that use the St. Louis, Kansas City or Highway Patrol databases, pay for access to those systems. Warrants are not verified against any other state databases to determine whether a person is receiving state or federal monetary assistance or is presently employed.

Audit methodology

Auditors obtained the Highway Patrol database on all warrants in the system as of January 19, 2001. Matches between the Highway Patrol database and several state agency databases were made to identify individuals with outstanding warrants, especially felony warrants. The state agencies with databases used for matching information included:

- Department of Social Services
- Department of Elementary and Secondary Education
- Department of Corrections
- Department of Conservation
- Department of Health
- Department of Public Safety
- Office of Administration's Personnel Action Reporting System
- Department of Economic Development, Division of Professional Registration

A successful match between databases consisted of having an exact match of the social security number, name, and date of birth. Another match was made between the addresses of the successful matches against address information on the Highway Patrol database to determine if new address information could be given to law enforcement agencies. The matches represented in this report reflect information current as of the date of the match. Since warrants are frequently updated and personnel change employment, some warrants may no longer be open and some employees may no longer be employed. The purpose of the matches was to show agencies that valuable information can be obtained to ensure outstanding warrants on their employees or their clients are known and to facilitate appropriate corrective action.

State databases provide useful information on felons

Audit tests revealed that matching outstanding felony warrants listed in the Highway Patrol database, or other major databases, to information in state agency databases can result in apprehension of felons or identification of new addresses to facilitate apprehension of felons. For example, we performed matches of individuals with outstanding warrants in the Highway Patrol database with various state agency databases that revealed 15,671 felony matches. These matches represent raw hits, and because of the frequent updating of warrants some of the warrants may no longer be open and some of the employees may no longer be employed. Agency databases identified individuals with felony warrants as shown in the following table.

Felony
warrants
matched state
benefit records

Table 1.1: Matches Using Selected State Databases and the Highway Patrol Database

Highway Patrol Database to State Databases	Number of Felony Warrants ¹
Department of Social Services- Paid Child Care Vendors	492
Department of Elementary and Secondary Education-Certified Teachers ²	49
Division of Medical Services- Medicaid Eligible As of September 2000	781
Department of Corrections- Offenders Under Supervision	8,527
Department of Conservation- License Holders	2,546
Department of Health- Death Records	278
Department of Social Services- Maintenance Income/Food Stamps As of October 2000	2,235
Personnel Action Reporting System- All State Employees	66
Department of Economic Development- Division of Professional Registration	697
Total	15,671

Source: Match of agency databases on employees to Highway Patrol database

¹ Individuals with outstanding warrants could be included in one or more of the above databases or have more than one warrant outstanding. For teachers, the 49 warrants applied to 43 teachers.

² We updated the information on employment of teachers as of June 26, 2001 and 8 teachers with 8 warrants are still employed as teachers and 20 teachers although not currently employed as teachers are lifetime certified as teachers. The remaining 15 teachers are not employed as teachers and are no longer certified. The update did not include new warrants issued between January and June 2001.

Approximately 38 percent, or 5,998 of the 15,671 felony warrants identified in our matches showed different addresses for the benefit payments or licensures than the address shown on the warrant. Auditors examined the matching information on 100 felons and provided new addresses for 31 persons with outstanding felony warrants to law enforcement authorities to determine if these persons could be located and apprehended. Examples of the value of such matches follow:

- Law enforcement officials apprehended a federal escapee the day after we provided the information to law enforcement.
- Another individual wanted on a charge of negligent manslaughter was also located and apprehended.
- A match identified that one of Missouri's top ten most wanted fugitives received medical benefits at a state institution giving law enforcement a lead for following up on his activities.

Federal law prohibits payment of benefits to individuals with felony warrants

State agency officials paid \$672,640³ in benefits to 802 individuals with felony warrants, as of October 2000. (See Appendix III, page 23 for an explanation of benefit calculations.)

Table 1.2: Benefits Paid to Ineligible Recipients

Benefit	Total Benefit	Number of Felons
Food Stamps	\$192,712	605
Temporary Assistance ⁴	479,928	197
Total	\$672,640	802

Source: Department of Social Services benefit payment files

Federal law, United States Code 7, Section 2015, prohibits payments for food stamps to individuals with felony warrants while United States Code 42, Section 608 prohibits payments to felons for temporary assistance to needy families. In fiscal year 1996, federal laws changed to prohibit payment of these benefits to individuals with outstanding warrants. Subsequent to our audit effort, the Department of Social Services conducted a match with Highway Patrol records and found similar results. The difficulty in ensuring that federal benefits are discontinued is that the Highway Patrol database is not set up for routine matches and special programs must be written each time a match is made.

**\$672,640 in
benefits paid
to ineligibles**

³ This amount was calculated by matching the Department of Social Services benefit payment to the individuals during the month of October 2000, and tracking it back to the date of the warrant or the date of the benefit allowance between the period August 1996 (when the law went into effect) and October 2000.

⁴ Federal funding at 60% and state funding at 40% represents total payment. If beneficiary is ineligible for federal portion because of a felony warrant, the state portion is also eliminated.

Individuals with felony warrants also receive state benefits

Although state law does not prohibit paying benefits to individuals with felony warrants, there is a benefit from enacting such laws. Audit results showed that \$35,227 in state benefits was paid to 17 individuals with felony warrants. *(See Appendix III, page 23, for a description of the methodology used to calculate ineligible benefit payments.)*

Table 1.3: State Benefits Paid to Individuals with Felony Warrants

Benefit	Amount	Number of Felons
General Relief	\$13,032	15
Blind Pension	22,195	2
Total	\$35,227	17

Source: Department of Social Services benefit payment files

State agencies employ individuals with outstanding felony warrants

Matches of individuals with outstanding warrants in the Highway Patrol database, as of January 24, 2001, and the state's database of all state employees identified 66 state employees with outstanding felony warrants as shown in Table 1.4.

66 state employees have felony warrants

Table 1.4: Number of State Employees with Felony Warrants

<i>Department/Organization</i>	<i>Number</i>
Mental Health	28
Social Services	10
Corrections	9
Public Safety	6
Transportation	5
Natural Resources	3
Health	1
Judiciary	1
Agriculture	1
Elementary and Secondary Education	1
Conservation	1
Total	66

Source: State departments' employee files

Since warrants are updated regularly, some of these warrants may no longer be outstanding. Also, some of the employees may no longer be employed.

Conclusions

The state has a role to play in apprehending individuals with felony warrants. By using benefit programs to identify current addresses of recipients and matching them against warrant databases, the state can assist in apprehending the felon and terminating federal benefits. The

Department of Social Services, as well as all other departments, have a responsibility to perform these matches against the Highway Patrol's database to identify felons and eliminate benefits payments to ineligible recipients. Additionally, the state could reduce the payment of state benefits if state law provided for termination of benefits to individuals with felony warrants.

Recommendations

We recommend the General Assembly:

- 1.1 Consider enacting legislation to prohibit payments of benefits to individuals with felony warrants.

We recommend the Superintendent, Highway Patrol establish systems and procedures for:

- 1.2 State agencies to match information in their databases to identify new addresses for people with felony warrants.
- 1.3 State agencies to verify the status of outstanding warrants for new and existing employees.

We recommend the Director, Department of Social Services:

- 1.4 Coordinate with the Highway Patrol and develop a system to routinely match federal benefits payments to felony warrant data to stop payments to ineligible individuals.

Department of Public Safety Responses:

This correspondence is in response to the recent audit of the Missouri Uniformed Law Enforcement System (MULES) capability to capture all information on outstanding warrants. A response is provided on the requested sections 1.2, 1.3, 2.1, 2.2, and 2.3. Additional comments are made where appropriate.

It is the opinion of the Patrol that regulations or a standard way of entering warrants should be established. Consistency among the criminal justice community would match the initiatives sought by the FBI. Above all, no matter how much money is saved by the state, the entering of outstanding warrants is a public safety issue. If warrants are not issued or verified on a regular basis, they become ineffective. The Patrol is not prepared to establish warrant entry guidelines without the cooperation of the criminal justice community. There are many variables unknown to us which determine why agencies do not enter all warrants. I would suggest establishing a committee representing all segments of criminal justice who enter warrants, to review current practices and make a workable recommendation we can all live with. I agree that something needs to be done to make our current system more effective and efficient.

I would also like to point out the charges to access MULES are strictly replacement costs. The Patrol has established line charges determined by the amount of transactions. Regional Enforcement Jurisdiction Information System (REJIS) and Automated Law Enforcement Response Team (ALERT) charge by transactions. To access warrants through MULES is a

nominal fee. The Patrol agrees it would benefit the state if all law enforcement agencies would have the capability to access MULES through state funding.

Any recommendations which require an increased workload or modified technology will have to be supported by additional full-time employees (FTE) or funding. The Patrol is willing to make the outstanding warrant process more efficient, but cannot afford to take on these responsibilities without the proper resources.

I trust the information provided will assist your office with making an effective determination.

1.2 State agencies to match information in their databases to identify new addresses for people with felony warrants.

There seems to be a concern with the information required on the warrants for entry into the MULES system. The Auditor's Report focuses on the entry field of "last known address" or "last frequented address" instead of a home address entry requirement. The current MULES/2 system only allows one address field. By July 2002, the MULES/3 wanted persons application will allow two address fields, "last frequented address" and "home address." It is our recommendation to leave this field as is until the 2002 implementation. The criminal justice community will be trained on the new changes.

1.3 State agencies to verify the status of outstanding warrants for new and existing employees.

This match process could be produced. The Patrol's Information Systems Division (ISD) has recently written a match process with the Department of Family Services (DFS) that matches food stamp and Temporary Assistance to Needy Families (TANF) benefactors against the Patrol's warrant file. This programming code is already in place, and would only need to be copied and altered for the selection criteria to work for a state employee file. The Patrol would require the format of the employee input file to be in the same format as being submitted by DFS.

The Patrol would not be able to absorb the costs associated with an operation this large without a source of dedicated funding. Currently the Patrol is charged by the State Data Center for computer services determined by the amount of jobs run through their system. Our current unfunded costs are in excess of \$700,000 annually.

The Patrol has introduced legislation asking for a device known as Live Scan. This device would allow state agencies to process employees by submitting two-finger fingerprints to the Central Repository. During the process of hiring, prospective employees would submit two-finger fingerprints to be placed on file. These fingerprints could be checked for warrants or arrests.

Department of Social Services Responses:

1.4 In recommendation 1.4 of your draft report, you recommended that the Director, Department of Social Services "coordinate with the Highway Patrol and develop a system to routinely match federal benefits payments to felony warrant data to stop

payments to ineligible individuals.” The department of Social Services agrees with recommendation 1.4. In that regard, the Department has already taken great strides in completely implementing this recommendation. Attached, you will find a Memorandum of Understanding (MOU) which was entered into between the Department of Social Services, Division of Family Services (DFS) and the Department of Public Safety, Missouri State Highway Patrol (MSHP), to establish a procedure for the sharing of information pertaining to fugitive felons who are identified as public assistance recipients. This information-sharing proposal was adopted to comply with certain provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-93. As reflected in this MOU, DFS is responsible for submitting identifying information regarding public assistance recipients to the MSHP so that the MSHP can conduct a match to determine if any of the named recipients are fugitive felons. The listing provided by DFS is to include the name, date of birth, and social security number of each recipient. In turn, the MSHP is responsible for comparing the named recipients with the names of individuals listed in its felony warrant database to determine if there are any matches. The MSHP is responsible for notifying DFS of the names of the matched individuals so that DFS can, in turn, provide this information (including the addresses and telephone numbers of the recipients) to the federal government (USDA). USDA forwards this information to the appropriate law enforcement agencies so that arrest action can be initiated against the fugitive felons. The Division of Family Services subsequently initiates action to terminate benefits after law enforcement has been given ample opportunity to effectuate the arrest of these felons.

This process was utilized for the first time in March of 2001 when DFS and the MSHP conducted a statewide fugitive felon data match of public assistance recipients. On or about March 2, 2001, DFS created a data set containing the names and other identifying information of recipients who were receiving TANF or food stamp benefits as of February 28, 2001. A total of 217,846 names were on the data set made available to the MSHP. The MSHP’s match query showed that there were 2,227 food stamp recipients and 594 TANF recipients who were listed in the fugitive felon database. On or about March 23, 2001, DFS provided to USDA identifying information so that notification could be sent to the appropriate law enforcement agencies and the fugitives arrested. The Division of Family Services, in turn, was responsible for initiating action to terminate the public assistance of these recipients based on their ineligibility due to their fugitive felon status. It is believed that this first statewide data match effort demonstrates that it is effective in not only terminating the benefits of recipients who are fugitive felons but also in effectuating the arrest of these individuals. It is anticipated that, by July 31, 2001, a determination will be made as to how often these matches will be conducted, thus resulting in complete implementation of this procedure.

Thank you for bringing this important matter to the attention of this department.

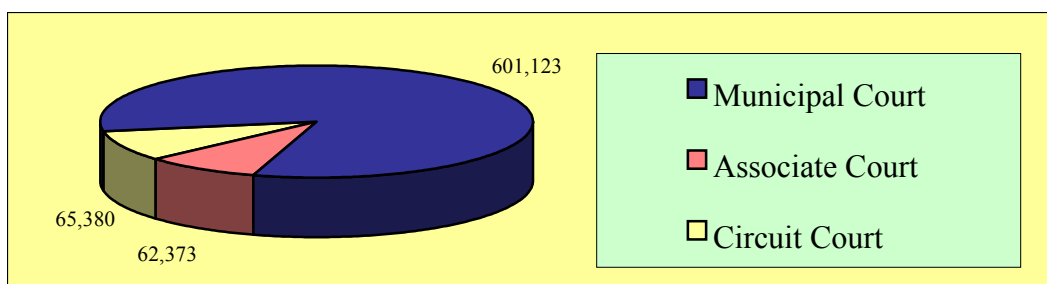
2. Improvements Are Needed in the Management of Outstanding Warrants

Better management and control of warrants is needed to ensure individuals with serious outstanding warrants are identified and apprehended. Missouri does not have a centralized system for recording and tracking the status of all outstanding warrants. This is important because law enforcement officials are faced with an enormous volume of outstanding warrants, accounting for as much as \$76 million in uncollected revenue, that they do not have the time or resources to pursue. Instead, local law enforcement officials maintain information on outstanding warrants at the local level, and law enforcement officials in other communities cannot readily access this information. Also, existing databases contain errors and outdated information on individuals with outstanding warrants. Because there is no system in place that allows law enforcement officers to access information on all individuals with outstanding warrants, serious offenders and felony suspects may not be taken into custody.

Outstanding warrants are maintained at the local level

Local law enforcement officials maintain information on outstanding warrants at the local level and these records may be maintained in automated databases or kept on manual systems. Based on 495 responses received from 70 percent of the 709 questionnaires sent to circuit, associate circuit, and municipal courts personnel, there were in excess of 728,000 outstanding warrants as of November 2000. Figure 2.1 depicts the number of outstanding warrants issued by these courts.

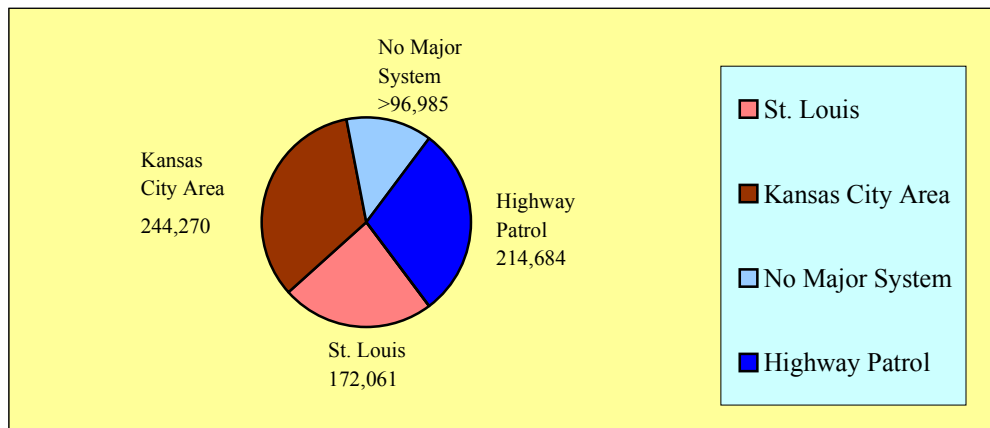
Figure 2.1: Number of Outstanding Warrants Identified by the Courts



Source: Court responses to state auditor questionnaire

As shown above, municipal court officials issued most of the outstanding warrants. The majority of warrants issued by the courts are recorded on the Kansas City, St. Louis, or Highway Patrol databases—the three major database systems in the state. Figure 2.2 displays the number of outstanding warrants recorded in these databases.

Figure 2.2: Outstanding Warrants Recorded in Major Databases



Source: State auditor tabulations from warrant databases

* There are no duplicate counts of warrants between the four categories on the chart

Based on the number of outstanding warrants reported by court personnel in response to our inquiry, there are at least 96,985 warrants that are not recorded in these three major databases. Because some courts did not respond to our survey or provide information on the number of outstanding warrants they had, the total outstanding warrants not included in any of the three databases may be higher.

A central registry would make all warrants more visible to all law enforcement agencies. The audit disclosed at least one state that has taken this approach. Massachusetts became the first state in the nation to have a 24-hour, 7-day a week real-time warrant management system. All warrants are located in one central registry with full access by all law enforcement agencies. The system automatically crosschecks the warrant information against other state databases to determine what state benefits a person may have and to obtain current address information.

Outstanding warrants account for millions in uncollected revenue

As shown in the chart below, the outstanding warrants, if served and adjudicated, could generate over \$76 million according to the statutory court costs, fees, and fines allowed by law for municipal, associate, and circuit court cases. These cases consist of felonies, traffic violations, and misdemeanors. This total does not include any costs that may be collected by the court for boarding and transporting prisoners, by law enforcement officials for serving the warrants, and any additional costs assessed for issuing the warrants. The costs were calculated by using the statutory amounts provided for court costs.

Table 2.3: Estimated Revenue from Outstanding Warrants

FEE CATEGORY	CITY	COUNTY	STATE	TOTALS
Court Clerk Fee	\$ 7,213,476	\$ 775,539	\$ 3,102,156	\$ 11,091,171
County Fee		5,527,230		5,527,230
Court Automation Fee			894,271	894,271
Court Reporter Fee			980,700	980,700
Crime Victims Surcharge	150,281	127,753	3,366,346	3,644,380
Crime Victims Judgment			3,631,210	3,631,210
Independent Living Center Fee			364,438	364,438
Law Enforcement Training Fee	1,202,246	255,506		1,457,752
Peace Officers Standard Training Fee			728,876	728,876
Prosecuting Attorney Training Fee		63,877	63,877	127,754
Sheriff's Retirement Fee			1,585,505	1,585,505
Domestic Violence Shelter Fee		1,457,752		1,457,752
Sheriff's Fee		5,527,230		5,527,230
Fines	33,061,765	6,424,419		39,486,184
TOTALS	\$ 41,627,768	\$ 20,159,306	\$ 14,717,379	\$ 76,504,453

Source: State auditor analysis of fee schedules and warrants

As shown above, over \$14 million could be generated for use by the state and \$61 million for use by city and county officials for law enforcement or other purposes.

Access to warrant information maintained by local law enforcement officials is limited

Law enforcement officials in the greater Kansas City and St. Louis metropolitan areas charge usage fees to local law enforcement agencies to access their databases. For example, police officials in a suburban St. Louis County community can access the St. Louis database only if they pay usage fees and have the appropriate communication hookups. If community officials do not want to pay for access, they would be limited to their local database to access information on individuals with outstanding warrants. The same situation exists for access to the database maintained for the Kansas City area. The Kansas City and St. Louis systems as well as other smaller systems throughout the state were developed independently to meet the needs of local law enforcement officials and they are not linked together so that data can be shared or pooled. While these systems may provide useful information to the law enforcement officials within their jurisdiction, their usefulness to law enforcement officials in other jurisdictions is limited because not all law enforcement officials have access.

A fee is required to access databases

Local law enforcement officials in all areas in the state, can access the Highway Patrol's database if they are willing to pay usage and connection fees imposed by the Highway Patrol. The Highway Patrol's database contains information on felony warrants and non-felony warrants (provided on a voluntary basis by local law enforcement officials). As previously discussed, the Highway Patrol acts as the focal point for reporting information relating to felony warrants and other serious offenses that local law enforcement officers want to share with the state.

Highway Patrol database contains some errors and outdated information

Audit tests revealed that some errors and outdated information exists in the Highway Patrol's database.

Social Security Number Match

Audit tests matched the warrants on the Highway Patrol database with various state agency databases and noted error rates ranging from 5 percent for the Department of Social Services, to 30 percent for the Department of Elementary and Secondary Education in incorrect social security numbers being recorded on the warrant. Many of these errors appear to be the result of transposing two or more digits of the social security number somewhere in the data entry process. This may have resulted from the individual providing an incorrect social security number to the officer, the officer making the error when recording the number, or agency personnel entering information in error.

Errors found
in warrant
database

Death Records Match

A match of the outstanding warrants on the Highway Patrol database with Department of Health Bureau of Vital Records death records showed over 1,200 deceased individuals with outstanding warrants that included over 275 felonies.

1,200
deceased
people have
warrants

Conclusions

Law enforcement officials are faced with an extremely large volume of outstanding warrants that they cannot pursue because of limited resources. Officials are further hindered by limited access to information on all individuals with outstanding warrants and by information that may not be valid or accurate. Development of a statewide system that allows law enforcement officers access to all information on individuals with outstanding warrants, and that contains valid and accurate information, would enable officers to better identify and apprehend felony and other serious offenders. This centralized system could also result in reducing the number of outstanding warrants and increase the revenue that would be at the disposal of local and county authorities.

Recommendations

We recommend the Highway Patrol:

- 2.1 Establish a statewide system that allows all law enforcement officials to have access to information on all individuals with outstanding warrants. This would include warrants on the Kansas City and St. Louis databases.
- 2.2 Coordinate with the Social Security Administration to develop a system for matching social security numbers in the Highway Patrol database.

- 2.3 Establish a procedure to match social security numbers in the Highway Patrol database to the Department of Health Bureau of Vital Records death record database.

Department of Public Safety Responses:

- 2.1 *Establish a statewide system that allows all law enforcement officials to have access to information on all individuals with outstanding warrants. This would include warrants on the Kansas City and St. Louis databases.*

MULES can currently accept all types of warrants. Law enforcement statewide has the capability to enter all types of warrants into MULES. REJIS and ALERT also have the capability to enter their warrants into MULES, if they choose to do so. The process of entering warrants is tedious for individual agencies. Entering all warrants, felony and misdemeanor, into MULES will be difficult and add to the workload. The additional entry of warrants statewide could cause performance problems for MULES. MULES sits on an antiquated platform. If it is decided all agencies will be required to place all warrants on a centralized location, upgrades will desperately be needed. The MULES system is not designed to determine each individual municipalities' ordinances. To accept all warrants, including municipal ordinances, MULES would have to be programmed with a multitude of variances. When entering misdemeanor warrants, each law enforcement agency would have to be comfortable that their dispatchers were reviewing each warrant thoroughly. Common names would need to be scrutinized, as would multiple responses on "hot file" hits.

- 2.2 *Coordinate with the Social Security Administration to develop a system for matching social security numbers in the Highway Patrol database.*

If this request is strictly for identifying individuals receiving social security benefits, who have outstanding warrants, this can be done similar to the DFS program. If this request is to clarify social security numbers to match social security numbers on warrants, this could be a dangerous action. An example would be two different John Smiths with the same date of birth. One John Smith has a warrant and a close social security number to the John Smith who does not have a warrant. When both names are displayed and one of the social security numbers does not match, I would caution making a change in an attempt to determine which social security number belongs to the correct person.

- 2.3 *Establish a procedure to match social security numbers in the Patrol database to the Department of Health, Bureau of Vital Records, death record database.*

Again, this process could be matched to the DFS project, as long as the same format is followed.

3. **Innovative Practices and Incentives Could Reduce Warrants**

Encouraging local law enforcement agencies to pursue innovative approaches and establishing warrant fees could help reduce the number of outstanding warrants and provide millions of dollars in new revenue to local and county officials to use for law enforcement or other purposes. Law enforcement officials cited impediments to reducing the number of outstanding warrants such as a lack of resources, unwillingness to pay to extradite individuals, the lack of coordination between law enforcement agencies, and the lack of space in city or county jails. As a result, outstanding warrants are not being resolved and millions in new fees are not being collected.

Law enforcement officials cannot pursue all individuals with outstanding warrants

Outstanding warrants have overwhelmed the law enforcement officials who do not have the time or resources to apprehend all individuals with those warrants. As a result, law enforcement officers have had to prioritize where to focus their efforts. Survey responses from law enforcement officials indicate that a high priority is not assigned to pursuing and apprehending individuals with outstanding warrants issued for such things as failure to appear in court on charges for traffic and parking violations. Based on discussions and responses to surveys, law enforcement officials stated they use an approach that assumes individuals may again violate the law. When that occurs, the officer can check to see if the individual has outstanding warrants and if so, decide at that time whether to take the individual into custody.

Felony warrants receive a high priority but there are impediments to serving them and apprehending suspects. Reasons given for not pursuing all individuals with outstanding felony warrants include a lack of resources, jurisdictional boundaries, lack of adequate information on the warrant, lack of coordination among law enforcement agencies, and lack of space and cost to house offenders. The following are examples of disclosures in the 155 survey responses received from law enforcement officers:

- The most common reason given for not aggressively pursuing warrants was lack of resources. Of the surveys returned, only two municipalities—Columbia and St. Joseph, had dedicated officers to the apprehension of individuals with outstanding warrants. The city of Festus has a separate warrant officer that handles all failure to appear cases by contacting the respective individuals.
- Law enforcement officials often impose geographical boundaries beyond which they will not pay to have the persons with outstanding warrants returned to their jurisdiction. When these individuals are stopped for routine traffic violations the attending officer searches for warrants and contacts the issuing agency if a warrant is found to determine if the individual should be taken into custody. If the issuing agency declines to pay costs, the individual is released.
- Warrants do not have adequate information such as social security number, date of birth, place of employment, and last known address.

Communities
often lack
resources

Many cities
will not pay to
extradite
individuals

- There is little coordination between law enforcement agencies to pursue and apprehend persons with outstanding warrants. Most law enforcement agencies only operate within their respective jurisdictions, however, some cities and counties have multi-jurisdictional task forces that combine efforts to pursue and serve outstanding warrants but this is not mandatory nor is it required by state law.

Lack of cooperation impedes process

- The lack of jail space and the cost of incarceration to the city or county to house persons once apprehended is a major reason for not pursuing people with outstanding warrants, including felony warrants.

Communities often lack jail space and budget

Innovative approaches help reduce the number of outstanding warrants

Several municipalities and counties in the state have instituted innovative approaches to reduce the number of outstanding warrants. The following describes some of those approaches:

More innovative approaches are needed

- Jefferson County has a multi-jurisdictional task force involving participating cities that have outstanding warrants. The task force periodically performs searches for those persons with outstanding warrants and brings them back to the respective cities for court hearings.
- St. Louis County and Kansas City have separate fugitive apprehension units that specialize in pursuing persons with outstanding warrants.
- St. Joseph has a full-time unit within the city police department that reviews and serves outstanding warrants. This unit reviews the cases, makes phone calls, sends letters, and also serves the warrants when necessary.
- Columbia has a full-time municipal process bailiff that enters warrants into the Highway Patrol's database and specializes in pursuing persons with outstanding warrants.
- The state has a website for the "Missouri's Most Wanted." This website is for fugitives who are suspected of committing serious crimes in Missouri or wanted criminals from other states who are believed to be in or on their way to Missouri. The website is a partnership between the Department of Public Safety and *Missourinet*, the statewide radio network. The website provides a picture and personal information about each most wanted person to assist the public in identifying the person and facilitating contacts with law enforcement.

The following examples illustrate how other states have implemented approaches that assist in reducing the number of outstanding warrants:

- Florida, under the Taking Hoodlums Using Guns Seriously program, posted pictures and identifying information of people who either committed a crime or have outstanding warrants on the Internet.
- Colorado developed an Integrated Criminal Justice Information System that links law enforcement agencies, prosecution offices, courts, and adult and juvenile correction facilities together to share information. This is a real-time data system.
- Ohio was the first state to match felony outstanding warrants with the state's welfare system. The Ohio State Auditor's Office in conjunction with the state's Department of Social Services matched wanted felons against the state's welfare system and with the aid of local law enforcement agencies apprehended thousands of wanted fugitives.

Warrant fees would provide funding incentives

The state's court system does not assess fees against individuals with outstanding warrants, however, at least one other state has. In 1985, California enacted a law giving the state courts the authority to collect a \$250 civil assessment against persons who fail to appear in court after notice and without good cause. In 1998, the state collected over \$8.2 million from this assessment. Assuming the state adopted a \$100 warrant fee and successfully apprehended only 10 percent of the estimated 728,000 individuals with outstanding warrants, counties and municipalities could generate \$7.3 million dollars in additional revenue. The addition of a warrant fee might also provide enough incentive to encourage individuals to keep court appointments and avoid warrants.

Warrant fees
could provide
millions to law
enforcement

Some communities in Missouri have also instituted warrant fees. In the city of Festus, the city municipal court along with the city police department share in the payment for a full-time warrant officer that pursues people with outstanding warrants. The city also collects an additional \$100 warrant fee on those people that have failed to appear in court and are served a warrant. The warrant officer obtains information on a person, makes phone calls to attempt to contact people to persuade them to come and take care of the warrant, sends letters, and will physically serve the warrant when necessary. In approximately 2 years, the city has reduced its number of outstanding warrants by more than half and has collected over \$68,000 in court costs and warrant fees for the year 2000.

A Missouri
community
collected
\$68,000

Municipalities and a few associate circuit courts that responded to the survey have also charged an additional warrant fee, a warrant fee and a failure to appear fee, increased the fine amount, plus other costs on cases where warrants have been issued. The amount of the warrant fee and costs varied between municipal courts since there is no legislative authority authorizing the amount of additional fee or fines that can be collected. Surveys indicated additional warrant fees or failure to appear fees ranging from \$5 to \$100 per court case.

Conclusions

Law enforcement officials face impediments that cannot be resolved without additional funding and better coordination among law enforcement officials. Increased use of warrant fees by

communities and establishment of warrant fees by the state could generate millions in additional revenue for local law enforcement officials. This funding could be used for training, equipment, and facilities that would facilitate the pursuit of additional individuals with outstanding felony warrants. Warrant fees could also serve as a deterrent to those who choose not to report for judgment or those who forget their court dates.

Recommendations

We recommend the General Assembly consider:

- 3.1 Establishing a statewide warrant fee to encourage voluntary compliance and to fund initiatives to resolve warrants.
- 3.2 Providing all courts with the authority to establish local warrant fees.

OBJECTIVE, SCOPE AND METHODOLOGY

Objectives

The objectives of the audit were to determine whether (1) the use of state databases could be effective in increasing apprehensions of felons and reducing benefits paid to felons; (2) law enforcement officials have ready access to information on outstanding warrants and if information on warrants is valid and accurate; and (3) impediments exist to pursuing individuals with outstanding warrants.

Scope and Methodology

Audit fieldwork was conducted between May 2000 and March 2001. The audit staff:

- Extensively researched the Internet for the following areas for information on outstanding warrants:
 - Federal regulations
 - Federal grant funds available to law enforcement agencies
 - Other state's procedures on warrant systems, matching data to find felons, and ways to decrease the number of warrants being issued
 - State information
 - Use of the Internet for posting outstanding warrant information
- Reviewed applicable state statutes, Supreme Court Rules, and Attorney General's Opinions.
- Contacted the National Crime Information Center regarding the number of warrants on the national database, where Missouri ranks in number of warrants on the system, and whether states use the Internet for posting warrant information.
- Discussed with the Missouri State Highway Patrol the Missouri Uniform Law Enforcement System and obtained the database with all outstanding warrants as of January 19, 2001.
- Discussed with the Office of State Courts Administrator, the court systems and procedures related to outstanding warrants. That office provided information regarding court addresses, along with mailing labels, to mail out surveys to the various municipal and state courts and also provided information during the course of the audit on court research issues.
- Discussed with the Department of Public Safety the use of the Highway Patrol database system and whether any management reports are generated and how police officers use that database. The department furnished listings of all names and addresses of all city police departments and Sheriff departments in the state to use for our surveys.

APPENDIX I

- Reviewed the Senate Post-Audit and Oversight Report for the Commonwealth of Massachusetts on *WARRANTING IMPROVEMENTS: Reforming the Arrest Warrant Management System*.
- Contacted officials from the state of Massachusetts regarding how the warrant management system was used and how the laws were changed to disallow a person any state benefits while having an outstanding warrant. Massachusetts was the first state to have a 24-hour 7-day a week real-time warrant database.
- Reviewed the State of Ohio Office of the Auditor Reports on *PREVENTING WELFARE FRAUD: Preventing Public Assistance Payment for Incarcerated Juveniles*, *PREVENTING WELFARE FRAUD: Locating and Preventing Public Assistance Payment to Fugitive Felons—1999*, *PREVENTING WELFARE FRAUD: National Crime Information Center Match*.
- Contacted the state of Ohio, where matching of outstanding warrants to welfare databases has been performed, and learned how wanted felons were apprehended by matching information between databases.
- Solicited information in the form of a survey sent to:
 - Municipal Courts 476
 - Associate Circuit Courts 117
 - Circuit Courts 116
 - Selected City Police Departments 86
 - County Sheriffs 114
 - 909

The response rate for all questionnaires was 72 percent (650 of 909). Regarding warrant information the response rate from municipal, associate and circuit courts was 70 percent (475 of 709).

- Matched the outstanding warrant system tapes to state agency records to determine if felons; are deceased, are receiving state/federal benefits, are working, have a driver's license, have a conservation permit or license, have a professional license or permit, and can be apprehended through the exchange of information between state databases.

APPENDIX II

DEFINITIONS OF TERMS

“Warrant” is a written order by a judge for a law enforcement officer to arrest an individual and bring the individual before the court. A **“warrant”** may be issued if the court believes a defendant will not appear upon a summons or if a defendant has failed to appear upon a summons and information has been filed. Supreme Court Rule 37.43.

An offense defined by this code or by any other statute of this state, for which a sentence of death or imprisonment is authorized, constitutes a **“crime.”** **“Crimes”** are classified as felonies or misdemeanors. Section 556.016 (1), RSMo, 2000.

A crime is a **“felony”** if it is so designated or if a person convicted thereof may be sentenced to death or imprisonment for a term, which is in excess of one year. Section 556.016 (2), RSMo, 2000. A felony may be classified into class A, B, C, or D, depending on the severity of the charge. Section 557.021, RSMo, 2000.

A crime is a **“misdemeanor”** if it is so designated or if a person convicted thereof may be sentenced to imprisonment for a term of which the maximum is one year or less. Section 556.016 (3), RSMo, 2000. A misdemeanor may be classified into class A, B, or C, depending on the severity of the charge. Section 557.021, RSMo, 2000.

An offense defined by this code or by any other statute of this state constitutes an **“infraction”** if it is so designated or if no other sentence than a fine, or fine and forfeiture or other civil penalty is authorized upon conviction. An **“infraction”** does not constitute a crime and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a crime. Section 556.021, RSMo, 2000.

APPENDIX III

METHODOLOGY FOR CALCULATING INELIGIBLE BENEFIT PAYMENTS

In August 1996, the Federal Welfare Reform Act included a prohibition for paying federal benefits to wanted or fleeing felons. We matched Department of Social Services benefit payments for temporary assistance and food stamps (federal programs administered by the state) to outstanding felony warrants as of January 19, 2001. For a benefit payment to be counted as ineligible the following conditions had to be met:

- Benefit recipients were authorized benefits between August 1996 and October 2000.
- There is an identified benefit start date and amount from which monthly benefit payments could be calculated.
- A 30-day grace period was added to the benefit start date before calculations were made. (This is the estimated time Department of Social Services stated was reasonable for contacting a recipient about a warrant and their response to the contact).
- Dates of warrants did not include dates after October 31, 2000.
- A 30-day grace period was added to the date of the warrant before benefit payments were considered ineligible (Again, to provide for time that would have been given for notification and response).
- Monthly benefit amounts were converted to daily amounts and the ineligible benefit amounts were calculated from the applicable start dates (including grace periods) up to October 31, 2000.

Using this methodology we determined that 605 people with felony warrants received ineligible food stamp benefits amounting to \$192,712 and 197 people with felony warrants received ineligible temporary assistance benefits amounting to \$479,928.

We used the same methodology to calculate state benefits for general relief, and blind pension benefits. Although there is no prohibition for paying these benefits, we made the calculations to show what would be ineligible if the state law coincided with federal law on refusing benefits for people with outstanding warrants. We determined that 15 people with felony warrants received \$13,032 in general relief benefit and 2 people received \$22,195 in blind pension benefits.